



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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August 16, 2017

VIA ECF

Hon. Jose L. Linares  
United States District Judge  
U.S. District Court, District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: SEC v. Gentile; 16 Civ. 1619 (JLL)(JAD)

Dear Judge Linares:

We represent the Plaintiff, Securities and Exchange Commission, in the above-captioned action.

As the Court is aware, the Defendant has filed a motion to dismiss the Commission's complaint (DE 34) on the basis that its action is barred by the statute of limitations set out in 28 U.S.C. § 2462, notwithstanding that the Commission seeks injunctive relief, and not disgorgement or penalties.

We write to bring to the Court's attention a recent and relevant decision from the District Court for the Eastern District of Washington in SEC v. Hooper, 16 Misc. 0022 (E.D. Wash.), which concludes that 28 U.S.C. § 2462 does not apply to bar the Commission's application for an injunction. A copy of that court's decision, issued August 10, 2017, is enclosed for the Court's consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy A. Brown", is written over a horizontal line.

Nancy A. Brown  
Senior Trial Counsel

cc (w/ encl.):

Hon. Joseph A. Dickson (via UPS Overnight)  
Adam Ford, Esq. (counsel for Defendant Guy Gentile) (via email)